## REMARKS

Applicant respectfully requests reconsideration of this application in view of the following remarks and the above amendments. This response is believed to fully address all issues raised in the Office Action mailed December 8, 2010. Furthermore, no new matter is believed to have been introduced hereby.

Claims 1-14, 24-31 remain pending as amended above. Claim 31 is new.

Initially, the undersigned would like to thank Examiner Kumabe for telephonically discussing the pending claims (most recently on April 6, 2011). In accordance with that discussion, Applicant has amended the independent claims as detailed above and discussed below. Accordingly, Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. However, if any issues remain, the Examiner is kindly invited to telephone Applicant's attorney (303-800-6678) to facilitate prosecution of this application.

### 35 USC § 112 Rejection of the Claims

Claims 1-14 and 24-30 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

More particularly, the Action states:

   a. The claim language in the following claims is not clearly understood:

      i.   As per claim 1, it is uncertain what is involved with loading the second

           scheduler (i.e. Is a software image of the scheduler being transferred

           from a remote location? What is the difference between loading and

           activating the scheduler? Are there any preliminary steps performed

           before the second scheduler is loaded such as 301-305 of Figure 3 of

           the specification?).

      Claims 2 and 24 have the same deficiencies as claim 1.

As indicated by the Action, Fig. 3 shows some of the operations mentioned by the Office. However, some of the pending claims already mention these steps. Accordingly, it is unclear why all claims 1-14 and 24-30 are rejected under this section.

For example, claim 2 indicates operation 303, claim 3 indicates operation 305, etc.

Also, those with ordinary skill in the art would understand that loading in VMM is associated with reading some piece of data/scheduler into the VMM and activating corresponds to executing the scheduler. Accordingly, it is unclear why all claims have been rejected or what exactly the Office is referring to in its request reproduced above as loading/activating seem to be terms known in the computing art.

Furthermore, the amendments to the independent claims as detailed above and discussed below are believed to fully address any clarity rejections as they discuss how an address, corresponding to a function in a function pointer array and associated with the first scheduler, is to be dynamically patched into the scheduling request to allow the scheduling request to be sent to the first scheduler directly. Accordingly, the rejections under 35 U.S.C. § 112, second paragraph, are believed to be fully addressed.

## 35 USC § 101 Rejection of the Claims

Claims 8-14 and 24-30 were rejected under 35 U.S.C. § 101 because the claimed invention was indicated to be directed to non-statutory subject matter. In response, Applicant has amended claim 8 to claim "logic hardware" and claim 24 to claim a "non-transitory" computer readable medium. Accordingly, these rejections are believed to be fully addressed.

## 35 USC § 103 Rejection of the Claims

Claims 1, 3-8, 10-14, 24 and 26-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chalmer et al. (U.S. Patent No. 7296271) in view of Applicant Admitted Prior Art (AAPA).

Claims 2, 9 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Chalmer et al. (U.S. Patent No. 7,296,271) and Applicant Admitted Prior Art (AAPA) as applied to claims 1, 8 and 24 and further in view of Knauerhase et al. (U.S. Publication No. 20050198303 A1).

Initially, each of these rejections is respectfully traversed as the cited art, alone or in combination, fails to teach or even suggest the claimed combination of features such as set forth in any of the pending claims.

Without limiting the scope of embodiments of the invention, only in an effort to impart precision to the claims (e.g., by more particularly pointing out embodiments of the invention, rather than to avoid prior art), and merely to expedite the prosecution of the present application, Applicant

has amended independent claim 1 to in part recite that "an address, corresponding to a function in a function pointer array and associated with the first scheduler, is to be dynamically patched into the scheduling request to allow the scheduling request to be sent to the first scheduler directly". Support for this amendment may be readily found in the present specification, see, e.g., paragraphs 21 and 24 of the specification.

It is respectfully submitted that the cited art, alone or in combination, fails to teach (or even suggest) the claimed combination of features such as set forth in claim 1, including for example, an address, corresponding to a function in a function pointer array and associated with the first scheduler, is to be dynamically patched into the scheduling request to allow the scheduling request to be sent to the first scheduler directly. Accordingly, claim 1 is believed to be in condition for allowance.

The remaining independent claims recite similar (though not identical) language as claim 1 and have been rejected for similar reasons as claim 1. Hence, these remaining independent claims should be allowable for at least similar reasons as claim 1, as well as additional or alternative elements that are recited therein but not shown in the cited prior art.

Also, all pending dependent claims should be allowable for at least similar reasons as their respective independent claims, as well as additional or alternative elements that are recited therein but not shown in the cited prior art.

For example, new claim 31 further distinguishes the cited art by requiring that the virtual machine monitor is to include the function pointer array. See, e.g., Fig. 2.

## *CONCLUSION*

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (303-800-6678) to facilitate prosecution of this application.

Applicant hereby petitions, as well as includes the appropriate fee herewith, to obtain a one-month extension of the period for responding to the Office action, thereby moving the deadline for response from March 8, 2011 to April 8, 2011.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-4238.

Respectfully submitted,

**CUSTOMER NUMBER: 50890**

Telephone Number: 303-800-6678

Date___4/8/11_____     By ____/Ramin Aghevli – Reg. No. 43,462/_____
                                Ramin Aghevli
                                Reg. No. 43,462